

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : **CRIMINAL NO.** _____

v. : **DATE FILED:** _____

CHARLES CUNNINGHAM, :
a/k/a “Tajeldin Abdus Shaheed” : **VIOLATIONS:**
: **18 U.S.C. § 371 (conspiracy to make false**
: **statements to federal firearms licensees**
: **-1 count)**
: **18 U.S.C. § 924(a)(1)(A) (making a false**
: **statement to a federal firearms licensee**
: **- 3 counts)**
: **18 U.S.C. § 2 (aiding and abetting)**
Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Lou’s of Upper Darby, Inc. (“Lou’s”), 29 South 69th Street, Upper Darby, Pennsylvania, possessed a federal firearms license (“FFL”) and was authorized to deal in firearms under federal law.

2. FFL holders are licensed, among other things, to sell firearms and ammunition. Various rules and regulations, promulgated under the authority of Chapter 44, Title 18, United States Code, govern the manner in which FFL holders are permitted to sell firearms and ammunition.

3. The rules and regulations governing FFL holders required that a person seeking to purchase a firearm fill out a “Firearm Transaction Record,” ATF Form 4473. Part of

ATF Form 4473 required that the prospective purchaser certify that all her answers on Form 4473 are true and correct. A question on Form 4473 asks the prospective purchaser if he or she is the actual buyer of the firearm(s) listed on the form. The form explains that to be an “actual buyer” one must be buying the firearm(s) for oneself or as a gift.

4. Another part of Form 4473 requires that the prospective purchaser certify that she understands that making a false statement with respect to the purchase of the firearm(s) is a crime punishable as a felony.

5. A person who purchases a firearm for another person and falsely completes ATF Form 4473 is a “straw purchaser.” Acting as a straw purchaser is referred to as “lying and buying.”

6. FFL holders are required to maintain a record, in the form of a completed ATF Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, to ensure that the person was not prohibited from purchasing a firearm.

7. Convicted felons are persons prohibited by law from buying firearms.

8. Defendant CHARLES CUNNINGHAM was a convicted felon prohibited by law from buying firearms.

9. Defendant CHARLES CUNNINGHAM was romantically involved with Patricia Helem, charged elsewhere.

10. From in or about November 2002, through on or about June 6, 2003, in the Eastern District of Pennsylvania, defendant

**CHARLES CUNNINGHAM,
a/k/a “Tajeldin Abdus Shaheed,”**

conspired and agreed with Patricia Helem, and with others known and unknown to the grand jury, to commit offenses against the United States, that it is, to knowingly make false statements with respect to the information required to be kept in the records of a federally licensed firearms dealer, specifically, the identity of the actual buyer of firearms, in violation of Title 18, United States Code, Section 924(a)(1)(A).

MANNER AND MEANS

It was part of the conspiracy that:

11. Defendant CHARLES CUNNINGHAM arranged for Patricia Helem to purchase firearms for him from Lou's, selected which firearms were to be purchased for him by Patricia Helem, and paid for the firearms which were purchased for him by Patricia Helem.

12. At defendant CHARLES CUNNINGHAM'S direction, Patricia Helem repeatedly went to Lou's and falsely represented on ATF Form 4473s that she was purchasing firearms for herself, when in fact, he was purchasing them for, and subsequently provided them to, defendant CHARLES CUNNINGHAM.

OVERT ACTS

In furtherance of the conspiracy, defendant CHARLES CUNNINGHAM and Patricia Helem committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

The November 6, 2002 Straw Purchases

On or about November 6, 2002:

1. Defendant CHARLES CUNNINGHAM instructed Patricia Helem to purchase two firearms for him from Lou's.
2. At the direction of defendant CHARLES CUNNINGHAM, Patricia Helem purchased a Glock, Model 23, .40 caliber pistol, serial number DXX471 US, and a Bryco Arms, Model 9, 9 mm pistol, serial number 1497343, from Lou's for defendant CUNNINGHAM.
3. At the direction of defendant CHARLES CUNNINGHAM, in order to purchase the Glock and Bryco Arms pistols, Patricia Helem completed an ATF Form 4473 in which she falsely represented that she was the actual buyer of both the Glock and Bryco Arms pistols.

The February 7, 2003 Straw Purchase

On or about February 7, 2003:

4. Defendant CHARLES CUNNINGHAM, instructed Patricia Helem to purchase a firearm for him from Lou's.
5. At the direction of defendant CHARLES CUNNINGHAM, Patricia Helem purchased a Beretta, Model 9000S, .40 caliber pistol, serial number SN003805, from Lou's for defendant CUNNINGHAM.
6. At the direction of defendant CHARLES CUNNINGHAM, in order to purchase the Beretta pistol, Patricia Helem completed an ATF Form 4473 in which she falsely represented that she was the actual buyer of the Beretta pistol.

The May 16, 2003 Straw Purchase

On or about May 16, 2003:

7. Defendant CHARLES CUNNINGHAM instructed Patricia Helen to purchase two firearms for him from Lou's.

8. At the direction of defendant CHARLES CUNNINGHAM, Patricia Helem purchased a Federal Arms, Model FA91, .308 caliber rifle, serial number 005956, and a Glock, Model 17, 9 mm pistol, serial number GK050 US, from Lou's for defendant CUNNINGHAM.

9. At the direction of defendant CHARLES CUNNINGHAM, in order to purchase the Federal Arms rifle, and the Glock pistol, Patricia Helem completed an ATF Form 4473 in which she falsely represented that she was the actual buyer of both the Federal Arms rifle and the Glock pistol.

The June 4, 2003 Straw Purchase

On or about June 4, 2003:

10. Defendant CHARLES CUNNINGHAM instructed Patricia Helem to purchase a firearm for him from Lou's.

11. At the direction of defendant CHARLES CUNNINGHAM, Patricia Helem purchased a Glock, Model 21, .45 caliber pistol, serial number EYN079, from Lou's for defendant CUNNINGHAM.

12. At the direction of defendant CHARLES CUNNINGHAM, in order to purchase the Glock pistol, Patricia Helem completed an ATF Form 4473 in which she falsely represented that she was the actual buyer of the Glock pistol.

13. At the direction of defendant CHARLES CUNNINGHAM, Patricia Helem

reported to the upper Darby Township Police Department that the recently purchased Glock, Model 21, .45 caliber pistol, serial number EYN079, had been stolen.

The June 6, 2003 Straw Purchase

On or about June 6, 2003:

14. Defendant CHARLES CUNNINGHAM instructed Patricia Helem to purchase a firearm for him from Lou's.

15. At the direction of defendant CHARLES CUNNINGHAM, Patricia Helem purchased a Glock, Model 20, 10 mm pistol, serial number EUN564 US, from Lou's for defendant CUNNINGHAM.

16. At the direction of defendant CHARLES CUNNINGHAM, in order to purchase the Glock pistol, Patricia Helem completed an ATF Form 4473 in which she falsely represented that she was the actual buyer of the Glock pistol.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. The allegations in paragraphs 1 through 9 of Count One of this indictment are incorporated herein by reference.

2. On or about May 16, 2003, in Upper Darby, in the Eastern District of Pennsylvania, defendant,

**CHARLES CUNNINGHAM,
a/k/a "Tajeldin Abdus Shaheed,"**

in connection with the acquisition of firearms, that is, a Federal Arms, Model FA91, .308 caliber rifle, serial number 005956, and a Glock, Model 17, 9mm pistol, serial number GK050 US, from Lou's, a dealer licensed under the provisions of Chapter 44 of Title 18, United States Code ("Chapter 44") to engage in the business of dealing in firearms, knowingly made, and aided, abetted, and willfully caused, a false statement and representation with respect to information required by the provisions of Chapter 44 to be kept in the records of Lou's, in that Patricia Helem certified on ATF Form 4473, Firearms Transaction Record, that she was the actual buyer of both firearms, when, as defendant CUNNINGHAM and Helem knew, this statement was false and fictitious.

In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. The allegations in paragraphs 1 through 9 of Count One of this indictment are incorporated herein by reference.

2. On or about June 4, 2003, in Upper Darby, in the Eastern District of Pennsylvania, defendant,

**CHARLES CUNNINGHAM,
a/k/a "Tajeldin Abdus Shaheed,"**

in connection with the acquisition of a firearm, that is, a Glock, Model 21, .45 caliber pistol, serial number EXN079 US, from Lou's, a dealer licensed under the provisions of Chapter 44 of Title 18, United States Code ("Chapter 44") to engage in the business of dealing in firearms, knowingly made, and aided, abetted, and willfully caused, a false statement and representation with respect to information required by the provisions of Chapter 44 to be kept in the records of Lou's, in that Patricia Helem certified on ATF Form 4473, Firearms Transaction Record, that she was the actual buyer of the firearm, when, as defendant CUNNINGHAM and Helem knew, this statement was false and fictitious.

In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. The allegations in paragraphs 1 through 9 of Count One of this indictment are incorporated herein by reference.

2. On or about June 6, 2003, in Upper Darby, in the Eastern District of Pennsylvania, defendant,

**CHARLES CUNNINGHAM,
a/k/a "Tajeldin Abdus Shaheed,"**

in connection with the acquisition of a firearm, that is, a Glock, Model 20, 10 mm pistol, serial number EUN564 US, from Lou's, a dealer licensed under the provisions of Chapter 44 of Title 18, United States Code ("Chapter 44") to engage in the business of dealing in firearms, knowingly made, and aided, abetted, and willfully caused a false statement and representation with respect to information required by the provisions of Chapter 44 to be kept in the records of Lou's, in that Patricia Helem certified on ATF Form 4473, Firearms Transaction Record, that she was the actual buyer of the firearm, when, as defendant CUNNINGHAM and Helem knew, this statement was false and fictitious.

In violation of Title 18, United States Code, Section 924(a)(1)(A).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 371 and 924(a)(1)(A), set forth in this indictment, defendant

**CHARLES CUNNINGHAM,
a/k/a “Tajeldin Abdus Shaheed,”**

shall forfeit to the United States of America all firearms involved in the commission of such offenses, including, but not limited to:

1. Glock, Model 23, .40 caliber pistol, serial number DXX471 US;
2. Bryco Arms, model 9, 9 mm pistol, serial number 1497343;
3. Beretta, Model 9000S, .40 caliber pistol, serial number SN003805;
4. Federal Arms, Model FA91, .308 caliber rifle, serial number 005956;
5. Glock, Model 17, 9 mm pistol, serial number GK050 US;
6. Glock, Model 21, .45 caliber pistol, serial number EXN079 US; and
7. Glock, Model 20, 10 mm pistol, serial number EUN564 US.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

A TRUE BILL:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
United States Attorney